IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4478 of 2007()

CRIME NO.142/2007 OF KOLATHUR POLICE STATION

.....

: PETITIONER/1ST ACCUSED:

EDATHADATHIL UNNEEN HAJI,
S/O. EDATHADATHIL KKUNHAYAMU HAJI,
EDATHADATHIL HOUSE, P.O. KADUNGAPURAM,
MALAPPURAM DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: COMPLAINANT & STATE:

---

1. SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION, KOLATHUR,MALAPPURAM DIST.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4478 of 2007

Dated this the 25th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. Altogether there are 4 accused persons. The crux of the allegations against the petitioner is that he along with co-accused was party to an attempt to defraud a co-operative bank. Spurious gold ornaments were allegedly offered as security by the petitioner, who availed loan of a huge amount in collusion with the bank's officials. Crime has been registered. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner had no contumacious intention at all. He points out that the entire liability has been discharged to redeem the ornaments pledged. The petitioner has a contention that what was pledged was real genuine gold ornaments and he has no collusion with the bank's officials. In these circumstances, it is prayed that anticipatory bail may be granted to the petitioner. In the circumstances of the case, arrest, detention and custodial interrogation do not appear to be necessary at all, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that appropriate conditions may be imposed. The learned Public Prosecutor however adds that the redeeming of the gold ornaments does not absolve the petitioner of the liability for the crime.

4. Be that as it may, it is not necessary for me to go into those controversies. Suffice it to say that I do not find custodial detention and interrogation necessary or essential in the facts and circumstances of the case. Subject to appropriate conditions, which shall ensure the interests of a fair, efficient and expeditious investigation, the petitioner can be granted anticipatory bail, I am satisfied.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 01.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 5 p.m on 02.08.2007 and 03.08.2007 and thereafter between 10 a.m and 1 p.m on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 01.08.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 01.08.07.

(R.BASANT, JUDGE)

rtr/-